UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,650	02/16/2001	James William Cooper	YOR920000753US1	4185

7590	02/03/2004	

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EXAMINER
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ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 02/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)
Office Action Summary		09/785,650		COOPER ET AL.
		Examiner		Art Unit
		Jakieda R Jackson		2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *15-18 and 28* is/are allowed.
6)☒ Claim(s) *1-8, 10-14 and 19-27* is/are rejected.
7)☒ Claim(s) *9* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.
13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.
14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-8, 10-14 and 19-27** are rejected under 35 U.S.C. 102(b) as being

anticipated by Logan et al., hereinafter referenced as Logan.

Regarding **claims 1 and 27**, Logan discloses a method and an article of

manufacture, performed on a computer system (column 1, lines 48-52), for tracking

time (log time; column 11, lines 41-51) using portable recorders (portable computer or

simplified player; column 6, line 35) and speech recognition (column 35, line 34), the

method comprising the steps of:

accessing speech data (audio speech file; column 2, line 57);

recognizing at least two voice commands ("Go", "Five", "News", etc.) from the

speech data, each voice command occurring at a different time (shift to different

segment; column 12, lines 55-60);

determining a first time (start time) associated with a first of the voice commands

(advertising segment; column 11, lines 41-51); and

determining a second time (end time) associated with a second of the voice commands (advertising segment; column 11, lines 41-51).

Regarding **claim 2**, Logan discloses the method wherein the second voice command is implied because a predetermined time from the first voice command elapses before another voice command occurs or because a predetermined ending time occurs and there is no voice command after the first voice command but before the predetermined ending time, and wherein the step of determining a second time comprises the step of assigning the second time as the predetermined time plus the first time, if the first voice command elapses before another voice command occurs (column 11, lines 44-51), or as the predetermined ending time, if the predetermined ending time occurs and there is no voice command after the first voice command but before the predetermined ending time.

Regarding **claim 3**, Logan discloses the method wherein:

the speech data (comment) comprises a time stamp (column 42, lines 20-30);

the step of determining a first time comprises:

determining an offset time (start and ending offset) between the time stamp and a time when the first voice command (audio presentation) is active (column 4, lines 48-57); and

determining (identify) the first time through reference to the time stamp and the offset time (column 7, lines 41-45).

Regarding **claim 4**, the method wherein:

the speech data (comment) comprises a time stamp (column 42, lines 20-30);

the step of determining a first time comprises:

determining an offset time (start and ending offset) between the time stamp and

a time when the first voice command (audio presentation) is active (column 4, lines 48-

57); and

determining the first time through reference to the time stamp and the offset

time (column 7, lines 41-45); and

the step of determining a second time comprises:

determining a second offset (start and ending offset) time between the time

stamp and a time when the second voice command is active (column 4, lines 48-57);

and

determining (identify) the second time through reference to the time stamp and

the second offset time (column 7, lines 41-45).

Regarding **claim 5**, Logan discloses the method wherein:

the step of determining the first time through reference to the time stamp and the

offset time comprises the step of adding the offset time to the time stamp to determine

the first time (inherent in segment to be calculated; column 11, lines 36-51); and

the step of determining the second time through reference to the time stamp and

the second offset time comprises the step of adding the second offset time to the

time stamp to determine the second time (inherent in segment to be calculated; column

11, lines 36-51).

Regarding **claim 6**, Logan discloses the method wherein:

the speech data (comments and annotations) comprises first and second time

stamps (column 42, lines 20-30);

the step of determining a first time comprises:

determining a first offset time (start and ending offset) between the first

time stamp and a time when the first voice command (audio presentation) is active

(column 4, lines 48-57); and

determining (identify) the first time through reference to the first time

stamp and the first offset time (column 7, lines 41-45); and

the step of determining a second time comprises:

determining a second offset (start and ending offset) time between the

second time stamp and a time when the second voice command (audio presentation)

is active (column 4, lines 48-57); and

determining (identify) the second time through reference to the second

time stamp and the second offset time (column 7, lines 41-45).

Regarding **claim 7**, Logan discloses the method further comprising the steps of:

recording speech onto a portable recorder (portable computer or player; column

6, lines 35-37); and

loading the speech data from the portable recorder (player) to the computer

system (CPU), the speech data comprising the speech and a plurality of time stamps

(time of day clock; column 3, lines 1-18).

Regarding **claim 8**, Logan discloses the method further comprising the steps of:

converting each of the at least two voice commands to text (column 15, lines

4-6); and

determining at least one task name (filename) from text of the at least two voice

commands (column 31, lines 22-37 and column 36, lines 60-65).

Regarding **claim 10**, Logan discloses the method wherein the step of

determining at least one task name comprises finding the at least one task name

(words and phrases in the presentation) in the text (column 37, lines 36-45).

Regarding **claim 11**, Logan discloses the method wherein the step of

determining at least one task name comprises associating at least one task name to

(filename) a time period (time established) between the first and second times, wherein

the at least one task name is not in the text (user preference; column 6, line 60 –

column 7, line 7).

Regarding **claim 12**, Logan discloses the method wherein the at least one task

name comprises two task names, a first task name ("Five") associated with a first of the

voice commands and a second task name ("News") associated with a second of the

voice commands, wherein the first and second voice commands occur adjacent to

each other in time (while), wherein the first and second task name are different ("Five"

and "News"), and wherein the second voice command is assumed to end a first task

corresponding to the first task name and start a second task corresponding to the

second task name (start of new segment; column 12, line 55 – column 13, line 2).

Regarding **claim 13**, Logan discloses the method further comprising the step of

packaging the first time, second time (total time), and one task name (plays field) from

the at least one task name into a time increment (column 19, line 63-column 20, line 7).

Regarding **claim 14**, Logan discloses the method wherein the at least two voice commands comprises a plurality of voice commands, wherein the at least one task name comprises a plurality of task names, and wherein the method further comprises the steps of:

determining an additional plurality of voice command times ("Back", "Back Segment" etc.), each of the voice command times associated with one of the plurality of additional voice command times ("Skip", "Mark etc.; column 14, lines 11-51);

converting each of the plurality of voice commands to text (column 15, lines 4-6);

determining a plurality of task names (text file) from the text (column 37, lines 36-45);

associating a task name with two of the first time, second time, or additional plurality of voice command times ("Skip", "Mark etc.; column 14, lines 11-51);

creating a plurality of time increments (different program segment; column 12, lines 55-56), each time increment comprising two times of the first time, second time, or additional plurality of voice command times (receipt of command; column 12, lines 17-23) and a task name (log file; column 12, lines 55-56); and

storing the plurality of time increments (host sever; figure 1, element 101 and column 4, lines 15-27).

Regarding **claim 19**, Logan a system for tracking time using portable recorders and speech recognition the system comprising:

a computer system comprising:

a memory (mass storage device) that stores computer-readable code (records programming; column 3, lines 1-18); and

a processor operatively coupled to the memory, the processor configured to implement the computer-readable code (column 3, lines 1-18 and column 19, lines 11-17), the computer-readable code configured to:

access speech data (audio speech file; column 2, line 57);

recognize at least two voice commands ("Go", "Five", "News", etc.) from the speech data, each voice command occurring at a different time (shift to different segment; column 12, lines 55-60);

determine a first time (start time) associated with a first of the voice commands (advertising segment; column 11, lines 41-51); and

determine a second time (end time) associated with a second of the voice commands (advertising segment; column 11, lines 41-51).

Regarding **claim 20**, Logan discloses the system wherein the speech data comprises a time stamp, and wherein the computer-readable code is further configured to:

when determining a first time:

determining an offset time (start and ending offset) between the time stamp and a time when the first voice command (audio presentation) is active (column 4, lines 48-57); and

determining (identify) the first time through reference to the time stamp and the offset time (column 7, lines 41-45); and

the step of determining a second time comprises:

determining a second offset time (start and ending offset) between the time stamp and a time when the second voice command is active (column 4, lines 48-57); and

determining (identify) the second time through reference to the time stamp and the second offset time (column 7, lines 41-45).

Regarding **claim 21**, Logan discloses the system wherein the computer-readable code is further configured to:

store the time increments (host sever; figure 1, element 101 and column 4, lines 15-27); and

place the time increments into a file (form of file (sequence)) having a format suitable for importing into a time and billing program (column 15, lines 35-66).

Regarding **claim 22**, Logan discloses the system wherein the system further comprises a digital personal recorder and wherein the computer-readable code is further configured to receive the speech data from the digital personal recorder (column 3, lines 1-18).

Regarding **claim 23**, Logan discloses the system wherein the computer-readable code is further configured to:

convert each of the at least two voice commands to text (column 15, lines 4-6); and

determine text versions of the at least two voice commands (human indexers) by

comparing (scanning) words in the text with phrase grammar rules (program segment;

column 35, lines 14-29).

Regarding **claim 24**, Logan discloses a system for tracking time using portable

recorders and speech recognition the system comprising:

a computer system comprising:

a memory (mass storage device) that stores computer-readable code (records

programming; column 3, lines 1-18); and

a processor operatively coupled to the memory, the processor configured to

implement the computer-readable code (column 3, lines 1-18 and column 19, lines 11-

17), the computer-readable code configured to:

access speech data (audio speech file; column 2, line 57) comprising a plurality

of time stamps and speech (column 42, lines 20-30);

convert the speech to text (column 15, lines 4-6);

compose a plurality of voice commands from words (human indexers) in the text,

each voice command corresponding to a phrase grammar rule (program segment;

column 35, lines 14-29);

determine a time (start and ending offset) associated with each of the voice

commands (audio presentation; column 4, lines 48-57);

determine a plurality of tasks, each task associated with at least one of the times

and at least one of the voice commands ("Skip", "Mark etc.; column 14, lines 11-51);

and

determine a plurality of time increments (different program segment), each time increment comprising one of the tasks (log file) and at least one of the times (segment; column 12, lines 55 – column 13, line 2).

Regarding **claim 25**, Logan discloses the system wherein the computer-readable code is further configured to:

store the time increments (host sever; figure 1, element 101 and column 4, lines 15-27); and

place the time increments into a file (form of file (sequence)) having a format suitable for importing into a time and billing program (column 15, lines 35-66).

Regarding **claim 26**, Logan discloses the system wherein the system further comprises a digital personal recorder and wherein the computer-readable code is further configured to receive the speech data from the digital personal recorder (column 3, lines 1-18).

Allowable Subject Matter

3.   **Claim 9** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.   **Claims 15-18 and 28** are allowed. The following is a statement of reasons for the indication of allowable subject matter:

The instant application discloses a method and article of manufacture, performed on a computer system for tracking time using portable recorders and speech recognition. Prior art references show similar methods and articles of manufacture but fail to teach determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.
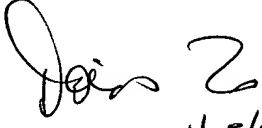
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jakieda R Jackson whose telephone number is

703.305.5593. The examiner can normally be reached on Monday through Friday from

7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Talivaldis I. Smits can be reached on 703. 306-3011. The fax phone

number for the organization where this application or proceeding is assigned is

703.872.9314.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

703.305.4700.

JRJ
January 20, 2004

DORIS H. TO
SUPERVISORY PATENT EXAMINER.
TECHNOLOGY CENTER 2600